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San Leandro, CA 94577
(510) 351-3190 TTY
FAX: (510) 351-5906

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**DEAF COUNSELING, ADVOCACY
and REFERRAL AGENCY**
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**Federal Communications Commission
Office of the Secretary
1919 M Street, N.W.
Washington, D.C. 20554**

MM Docket NO. 95-176

DOCKET FILE COPY ORIGINAL


January 29, 1996

Dear FCC,

Enclosed are our comments in response to MM Docket NO. 95-176, related to Closed captioning and video description of video programming.

Your support to review and act is needed.

Sincerely yours,


John F Levesque
Executive Director

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FEB 2 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C

In the Matter of)
)
Closed Captioning and Video Description) MM Docket No.95-176
of Video Programming)
)

NOTICE OF INQUIRY

COMMENTS OF DEAF COUNSELING, ADVOCACY, AND REFERRAL AGENCY IN THE
NOTICE OF INQUIRY REGARDING CLOSED CAPTIONING AND VIDEO DESCRIPTION

January 29, 1996

To the Commission,

Deaf Counseling, Advocacy and Referral Agency (DCARA) is writing in response to your request for comments in the Notice of Inquiry, FCC 95-484, in the above-captioned proceeding, released December 4, 1995. The Commission seeks to assess the current availability, cost, and uses of closed captioning and video description and to assess what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting the services' wider use in programming delivered by television broadcasters; cable operators, and other video programming providers.

DCARA is a community-based, non-profit agency providing services of, by, and for deaf, hearing-impaired, and deafened people. We are located in the San Francisco Bay Area and provide services in a 13-county area. We have offices in Santa Rosa, Pleasant Hill, Hayward, Oakland, San Jose, Fremont, San Leandro, San Francisco, and San Mateo; our Oakland office also houses the California Center for Law and the Deaf. We operate a deaf community center and book store in San Leandro. Employment services are co-located in eight EDD offices.

Comprehensive services offered cover the entire range including advocacy, independent living skills, interpreter referral, employment assistance, recreation, education, information, referral, and newsletter, as well as services for specific groups (Hispanic, gay and lesbian, deaf/blind, senior citizens, foreign-born, late deafened).

Founded by a grass roots movement, we have been in continuous operation for over 20 years. We feel our philosophy of "Of, by and for the deaf" as well as our broad base of representation makes our comments on closed captioning especially appropriate.

[Paragraphs 11 and 12]

Television seemed to many deaf people to be the last frontier. We had managed to access, in a limited way, telephone service but the world of television was beyond our reach. It seemed rather ironic to us that a medium so based on the visual would be so useless to us. And what were we missing? If nothing else, television is a rich source of vital, even life-saving, information. Its use in education and understanding current events cannot be understated. But it is also a reflection of American culture, possibly the single most important conveyor of our culture's values, varieties, humor, language, religion, and philosophies. By excluding deaf Americans, who share a sub-culture with its own language (to many deaf people, English is a second language) and values, television became a potent means of separation for the millions of people who could not partake of it for lack of hearing.

Closed captions opened the door to mainstream American culture by bringing us into the world of television. Suddenly, we were able to understand information that ranged from children's programs to emergency information. Because close captions demand a working knowledge of written English, deaf people are encouraged to upgrade and maintain their English skills. Deaf children use closed captions to learn to read. Deaf adults laugh at comedies, learning the English idioms they see there. Hard-of-Hearing people follow politics and sports; deaf parents enjoy movies with their hearing children. Deafened adults continue to enjoy their favorite programs thereby decreasing the devastating isolation hearing loss creates. Closed captioning has provided deaf people with a hard earned, long awaited doorway to the greater American culture.

[Paragraph 11]

By our estimation, all of our clients and their families are served by closed captioning. According to a 1989 California Department of Social Services' survey, there are 2,242,057 deaf (we use the term "deaf" to include all people with hearing loss, from mild to profound) people in our state. Since it is rather rare for all members of a household to be deaf, we assume that the many hearing people whose family members are deaf also enjoy the benefits of sharing television with their loved ones. People of all ages, just like in the general population, are served by closed captioned television programming.

[Paragraph 12]

Closed captions invite deaf television viewers into the mainstream by two methods: one is by the content of the programming itself, the other by the use of English. Since many deaf Americans use American Sign Language, which has no written form, their English skills are often limited. Some never learn to read English adequately because motivation to learn a language that seems rather useless is lacking. Because closed-captioning requires the quick reading of English, deaf people are motivated to increase or maintain their reading skills. These skills are then transferred to other sources of written information. Another language learning benefit of closed captioning is the use of English idioms that deaf people may have rarely encountered in the past. Since captions are a translation of spoken English, deaf people see English with all its idioms and slang, and at the same time see the body language that goes along with spoken language. The recent history of education of deaf youngsters has been fraught with discord, and the ultimate result is that deaf children are more likely to be included in mainstream classrooms where spoken English is the main source of communication, and is therefore inaccessible to the students. These students, as well as those in deaf schools, have a difficult time learning English. Captioned television is the one place reading English provides an immediate reward. Such motivation is an educator's dream!

[Paragraph 12]

Though our clients are deaf, they often bring with them hearing parents, children, spouses, and co workers. We have often been told that closed captioning has been a help to the hearing members of the household as well. Hearing people are not always able to access auditory information, for reasons ranging to acoustics, other noises, to undiagnosed hearing loss. They find that reading closed captions along with hearing the dialogue and music enhances their television watching experience.

[Paragraphs 14 -16]

The amount of closed and open captions on television programs has been an area in which deaf people have fought for years. Deaf advocates consider only total accessibility acceptable. To be denied even part of what hearing people take for granted is intolerable. However, the most vital part of that is the use of real time captions in time of national or local emergencies. A few years ago, the Bay Area experienced a serious earthquake. Local television stations were unable, or unwilling, to provide real time captioning or on screen interpreters for most of their news coverage. Since deaf people were equally affected by the disaster, limiting their access to information was dangerous and discriminatory. Vital information about highway closures, damaged buildings, gas leaks, and other information was in no way available

to deaf people. One must remember that hearing people have an alternate source of information in such a situation: radio. While many hearing people consider a battery operated radio part of their emergency plans, deaf people often purchase battery operated television sets for the same reason. As advocates for the deaf, DCARA has worked toward immediate real time open captions in all emergency broadcasts. As for non-emergency programming, we foresee a time when all broadcast, cable and video programs will include closed captions. In our area, almost all programs are closed captioned. On the occasion that we find one that is not, we are reminded again that hearing people have access to this public airway, while we are excluded.

[Paragraph 14]

Most of our local news and programming is closed captioned. In emergencies that have occurred since the 1990 earthquake, open, real time captioning has been much improved. However, there are still many problems with real time captioning. We have and will continue to support and work with our local stations in this area.

[Paragraphs 28 - 31]

The Commission asks about exemptions from possible mandatory captioning. Our population is as diverse as the general population. We are of all races, ages, religions, intellect, and abilities. It seems impossible for us to say that one person's tastes should be ignored simply because his tastes are shared by a minority of the overall deaf population. Could we say that most deaf people are not interested in music, when many of our clients enjoyed music when they were younger and had better hearing? Could we say that adult-themes programs should be exempted, even though hearing adults are not censored in their viewing tastes? We feel that no exemption could be fair. Deaf people are already a minority, yet our needs are as real and important as those of the majority. If the program is accessible to hearing people, it should be accessible to deaf people as well.

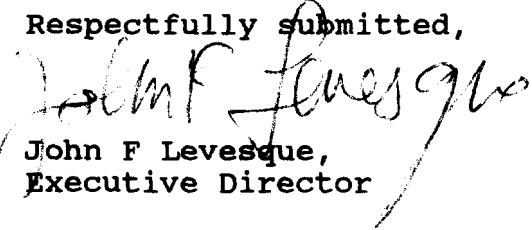
[Paragraph 33]

Deaf people can easily attest to the fact that closed captions have a very long way to go to perfection. The frequency of errors in prerecorded closed captions is at least one error in every half hour of programming. Sometimes the error is grammatical, spelling, or in translation. Sometimes the captions are garbled. Sometimes dialogue or other important sound effects are left out. Hearing viewers often spot errors deaf people might miss (and assume their own failure). Real time captioning is often so full of errors as to lose the message. Most real time errors seem to be technical with computers providing erroneous translation of typists' shorthand. Accuracy in closed captions is very important. If inaccuracies are tolerated, it gives deaf people a "second class"

status. And since closed captions provide deaf people with access to and education on written and spoken English, it is vital that what they see is accurate.

We appreciate your request for our comments. Closed captioning has changed the lives of many deaf people. Its continued improvement and expansion means the continued improvement and expansion of the minds and hearts of our people.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John F. Levesque".

John F Levesque,
Executive Director